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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Cook, et al.

Serial No.: **Not Yet Assigned**

Group Art Unit: **Not Yet Assigned**

Filing Date: **Herewith**

Examiner: **Not Yet Assigned**

For: SUGAR MODIFIED OLIGONUCLEOTIDES

EXPRESS MAIL LABEL NO: EL884783301US

DATE OF DEPOSIT: *November 28, 2001*

**Assistant Commissioner for Patents
Washington DC 20231**

PRELIMINARY AMENDMENT

Prior to the first Office Action on the merits in the above-captioned continuing patent application, Applicants respectfully request that the following amendments be entered, without prejudice:

In The Specification:

Please delete the first paragraph of the specification and add the following replacement paragraph at page 1, line 3:

This application is a continuation of U.S. application Serial No. 09/135,202, filed August 17, 1998, which is a division of U.S. application Serial No. 08/471,973, filed June 6, 1995, now U.S. Pat. No. 5,872,232, which is a continuation-in-part of U.S. Patent application Serial No. 07/835,932, filed March 5, 1992, now U.S. Pat. No. 5,670,633, which is the U.S. National Phase application of International Application PCT/US91/05720, filed August 12, 1991 (International

Publication Number WO 92/03568, published March 5, 1992), which is a continuation-in-part of U.S. Patent application Serial No. 07/566,977, filed August 13, 1990, now abandoned. U.S. application Serial No. 09/135,202 is also a continuation-in-part of U.S. application Serial No. 08/465,880, filed June 6, 1995, now U.S. Pat. No. 5,955,589, which is a continuation-in-part of U.S. Application Serial No. 08/244,993, filed June 21, 1994, now U.S. Pat. No. 5,623,065, which is the U.S. National Phase application of International Application No. PCT/US92/11339, filed December 23, 1992, which is a continuation-in-part of U.S. application Serial No. 07/814,961, filed December 24, 1991, now abandoned. Each of the above-mentioned applications is commonly assigned with this application, and the entire disclosures of each are herein incorporated by reference.

Please delete pages 101 to 107 of the application containing the Sequence Listing and insert substitute pages 101 to 107 enclosed herewith, which contain the amended Sequence Listing.

In the Claims:

Please cancel claims 1 to 7 and add claims 8 to 10, as indicated below:

8. A mixed sequence nuclease resistant oligonucleotide or oligonucleotide analog including more than one 2'-modified 2'-deoxyfuranosyl moiety wherein said modification comprises substitution by halo, azido, amino, alkoxo, thioalkoxy, alkylamino, alkyl, and wherein one of said 2'-modified 2'-deoxyfuranosyl moieties is different from another of said 2'-modified 2'-deoxyfuranosyl moieties.

9. The mixed sequence nuclease resistant oligonucleotide or oligonucleotide analog of claim 17, wherein one of said 2'-modified 2'-deoxyfuranosyl moieties comprises substitution by halo, azido, amino, thioalkoxy, alkylamino or alkyl and another of said 2'-modified 2'-deoxyfuranosyl moieties comprises substitution by alkyloxy.

10. The mixed sequence nuclease resistant oligonucleotide or oligonucleotide analog of claim 17, wherein one of said 2'-modified 2'-deoxyfuranosyl moieties comprises substitution by halo, azido, amino, thioalkoxy or alkyl and another of said 2'-modified 2'-deoxyfuranosyl moieties comprises substitution by methoxy.

REMARKS

Substitute pages 101 to 107 are provided to comply with the Sequence Rules set forth in 37 CFR § 1.821-1.825. In addition, the paper copy of the Sequence Listing included herein is identical to the last-filed computer readable form (CRF) filed in application Serial No. 08/471,973. Accordingly, no new matter has been added.

Conclusion

Applicants submit that the claims are in condition for allowance, and an early Office Action to that effect is earnestly solicited.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

Respectfully submitted,

Date: November 28, 2001

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

The first paragraph of the specification has been deleted and replaced with the new paragraph shown above.

The Sequence Listing has been deleted and replaced with a new Sequence Listing.

Claims 1 to 7 have been cancelled and new claims 8 to 10 have been added.